

RESOLUTION NO. 21-____

Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Sublease For Bus Bays Between The City Of Emeryville And The National Railroad Passenger Corporation (“Amtrak”) For The Bus Bays Located In The Podium Of The EmeryStation West/Transit Center Project At 5959 Horton Street

WHEREAS, the City has worked since 1998 to redevelop the 1.58-acre property located at 59th Street and Horton Street north of the Amtrak Station (the “Site”); and

WHEREAS, on October 21, 2003 the Emeryville Redevelopment Agency (the “Former Agency”) adopted Resolution No. RD56-03 designating the Site as a location for a proposed transit center and mixed-use project and solicited redevelopment proposals for redevelopment of the Site; and

WHEREAS, on September 6, 2005 the Former Agency adopted Resolution No. RD54-05 authorizing the execution of an Exclusive Right to Negotiate Agreement between the Former Agency and Wareham Development Corporation to establish terms and conditions and obtain environmental clearance and project approvals for a mixed use project including public parking spaces, bus bays, plaza, transit improvements, office and laboratory space, retail space and private parking spaces (the “Transit Center Project”); and

WHEREAS, on February 16, 2010 the City Council approved a Conditional Use Permit and Design Review for the EmeryStation West/Transit Center Project (Resolution 10-33); and

WHEREAS, on August 10, 2012 the City entered into that certain Intercity Rail Passenger Facility Contract between the City and the State of California (the “STIP Grant Agreement”) whereby the State of California provided \$4,200,000 in State Transportation Improvement Program (STIP) funds for the construction of the bus bays and parking portion of the Transit Center Project (the “STIP Grant”); and

WHEREAS, on January 21, 2014 the City Council approved the Agreement for Public Improvements Funding, Amended and Restated Environmental Remediation and Escrow Agreement, and Development Agreement for implementation of the Transit Center Project (Resolution Nos. 14-014, -015; Ord. No. 14-002); and

WHEREAS, the Agreement for Public Improvements Funding provides that the City will provide certain grant and Former Agency funds for public improvement elements of the Transit Center Project, including the STIP Grant; and

WHEREAS, the Agreement for Public Improvements Funding also provides that the City will lease the public parking and bus bays from the developer for a period of twelve years pursuant to the Public Parking Lease and Option to Acquire Easement Agreement (the “City Parking Lease”) which is included as an Exhibit to the Agreement for Public Improvements Funding; and

WHEREAS, the City Parking Lease Commencement Date was January 1, 2019; and

WHEREAS, pursuant to the STIP Grant Agreement, the City must make the bus bays at Transit Center Project podium available for use by State Funded Bus Services, as that term is defined by the STIP Grant Agreement, at no cost; and

WHEREAS, the City and National Railroad Passenger Corporation ("Amtrak") have negotiated and wish to enter into a sublease to provide for Amtrak's use of the bus bays at the Transit Center Project podium; now therefore be it

RESOLVED, that the City Council of the City of Emeryville hereby authorizes the City Manager to execute a Sublease for Bus Bays between the City of Emeryville and the National Railroad Passenger Corporation, in substantial form as attached hereto as Exhibit A; and be it further

RESOLVED, that the City Council of the City of Emeryville hereby authorizes the City Manager to execute and enter into amendments to the Sublease for Bus Bays between the City of Emeryville and the National Railroad Passenger Corporation as may be agreed to by the City Manager and approved as to form by the City Attorney that do not materially increase the obligations of the City thereunder.

ADOPTED by the City Council of the City of Emeryville at a regular meeting held Tuesday, February 16, 2021, by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

ATTEST:

CITY CLERK

MAYOR

APPROVED AS TO FORM:



CITY ATTORNEY